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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

DOCKET NO.: 6:10 -cr-00225

VERSUS

KORRYON DASHAWN CARTER

JUDGE PATRICIA MINALDI
MAGISTRATE JUDGE PATRICK J. HANNA

MEMORANDUM ORDER

Presently before the court is Korryon Dashawn Carter's Motion to Reduce Sentence under 18 U.S.C. § 3582(c)(2) (Rec. Doc. 113). For the following reasons, the motion will be **DENIED**.

On November 1, 2011, Carter was sentenced to 60 months of imprisonment for possessing with the intent distribute crack-cocaine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and carrying a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1). The court later reduced his sentence to 48 months of imprisonment under 18 U.S.C. § 3582(c)(2) because Amendment 782 of the Sentencing Guidelines lowered the base level offense by two-points and the amendment was made retroactive.¹ The defendant now argues his sentence should be reduced because the court relied on a Sentencing Guidelines Manual from 2010 that did not have Amendment 742 of the Guidelines attached. Amendment 742 was made effective on November 1, 2010, and it abolished "recency points" that had been imposed under U.S.S.G. § 4A1.1. See United States Sentencing Commission, GUIDELINES MANUAL, 2010.

The defendant appears to argue that this was a procedural error that affected his criminal history and sentence length. However, the defendant's total offense level and criminal history score as calculated in the presentence report does not include any "recency points" under §4A1.1.

¹ Order Regarding Motion for Sentence Reduction (Rec. Doc. 112).

Therefore, whether the changes to §4A1.1 were attached to the Guidelines Manual used by the court would not have impacted the length of his sentence. Accordingly,

IT IS ORDERED that Carter's Motion to Reduce Sentence (Rec. Doc. 113) is hereby **DENIED**.

SIGNED at Alexandria, Louisiana, this 12 day of May, 2017.



DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT JUDGE